IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.593 OF 2007
IN
WRIT PETITION NO.1363 OF 2007

Bishan Babulal Mehrol & Anr. ..Petitioners.

V/s.

The Municipal Corporation of Gr.Mumbai. ..Respondent.

Mr.Madhav Jamdar for petitioners.

Mr.Archana Joshi for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 30, 2007.

P.C. :

1. Not on board. Upon mentioning taken on board.

2. Sufficient time was given by the Court under Order dated 11th July, 2007. The Petitioners have also filed undertaking in this Court in terms of that Order. The fact that representation has still not been decided, can be no ground for extension of time. For, Order dated 11th July, 2007 does not provide for such a situation. If the request made in this Motion is accepted, it would amount to re-writing the order already passed on 11th July, 2007. In my opinion, no indulgence needs to be shown to the Petitioners, who

were liable to vacate the suit premises on the date of superannuation or retirement, which has happened long bak. Assuming that the Petitioners were desirous of requesting the authority to expeditiously decide the application, they should have made that grievance before this Court well in time and not at the eleventh hour, as in the present case. Inasmuch as, the present Motion is filed on 28th November, 2007 when the time to vacate the suit premises expires on 30th November, 2007 i.e. today. The only reason for such course is to gain further time, which the Petitioners do not deserve. Request made in the Motion is accordingly rejected.

3. Notice of Motion disposed of accordingly.

(A.M.KHANWILKAR,J)